

SUE HALL, Clerk of Court
Filed
11/23/2010

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

DONNA J GRIMSLEY, PRESIDING JUDGE

BY: DJW, DEPUTY CLERK

CASE NUMBER: S0100CR201000047

START: 11/10/2010 1:35 PM
RECESS: 11/10/2010 3:47 PM
RECONVENED: 11/10/2010 4:13 PM
END: 11/10/2010 4:18 PM

STATE OF ARIZONA, PLAINTIFF

VS

ROBERTS, JOSEPH DOUGLAS, DEFENDANT

APACHE COUNTY ADULT PROBATION [EM]
APACHE COUNTY SHERIFF'S OFFICE (CERTIFIED)
[HC]
APACHE COUNTY ATTORNEY'S OFFICE [EM]
DAVID J MARTIN [EM]
COURT ADMINISTRATOR [EM]
MARICOPA COUNTY ATTORNEY'S OFFICE [HC]
ATTN: JOHN F BEATTY
301 W. JEFFERSON ST., SUITE 400
PHOENIX, ARIZONA 85003

MINUTE ENTRY: MOTION HEARING

STATE'S EXHIBITS 1 & 2 ARE MARKED FOR IDENTIFICATION.

PRESENT: ROBERTS, JOSEPH DOUGLAS, DEFENDANT; DAVID MARTIN, ATTORNEY FOR THE DEFENDANT; JOHN F. BEATTY, SPECIAL DEPUTY COUNTY ATTORNEY; AND APACHE COUNTY ADULT PROBATION.

LET THE RECORD SHOW this is the date and time set for a Motion Hearing in the above-captioned matter.

Mr. Beatty states his position.

Mr. Martin states his position and invokes the Rule of Exclusion.

Witnesses Brian Hounshell and Sgt. Lance Spivey are sworn.

Court addresses the parties.

Mr. Beatty moves to admit State's Exhibits 1 & 2 into the record and to listen to the recording, following along with the transcript.

State's Exhibit #2 is played on the record.

Mr. Martin addresses his concerns with the transcript and the recording.

Court admits State's Exhibits 1 & 2 into evidence.

Brian Hounshell, having been previously sworn testifies under direct, cross and re-direct examination.

Let the record show that the witness has identified the Defendant.

Witness is excused.

Sgt. Lance Spivey, having been previously sworn testifies under direct examination.

Witness is excused.

Mr. Martin addresses the Court regarding the subpoena for Mr. Jaramillo and his non-appearance due to an accident. He states that he would like to reserve the right to call him at a later time.

Joseph Roberts is sworn and testifies under direct, cross and re-direct examination.

Witness is excused.

3:47 PM-Court recesses.

4:13 PM- Court reconvenes. Same parties and officials present.

Mr. Martin informs the Court he will not be calling Mr. Jaramillo as a witness.

Mr. Martin offers rebuttal evidence to an article in the White Mountain Independent.

Mr. Beatty objects as article has not been disclosed.

Court directs Mr. Martin to disclose the article to Mr. Beatty.

Court and Counsel discuss closing arguments and scheduling.

Court Administrator will contact Counsel to set a hearing date for Closing Arguments. Hearing will be telephonic for Attorneys with Mr. Roberts being present in the courtroom.

Article to be provided by facsimile to Mr. Beatty by 5:00 PM on Friday and he will have five days to file an objection.

Hearing Concludes.